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U.S. Department of Homeland Security
U.S. Citizenship and Immigration Services
Office of Administrative Appeals MS 2090
Washington, DC 20529-2090



U.S. Citizenship
and Immigration
Services

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FILE: [REDACTED] Office: MIAMI
[REDACTED] consolidated herein]
MSC 06 098 26527

Date: **OCT 30 2009**

IN RE: Applicant: [REDACTED]

APPLICATION: Application for Status as a Temporary Resident pursuant to Section 245A of the
Immigration and Nationality Act, as amended, 8 U.S.C. § 1255a

ON BEHALF OF APPLICANT:
[REDACTED]

INSTRUCTIONS:

This is the decision of the Administrative Appeals Office in your case. The file has been returned to the National Benefits Center. If your appeal was sustained, or if the matter was remanded for further action, you will be contacted. If your appeal was dismissed, you no longer have a case pending before this office, and you are not entitled to file a motion to reopen or reconsider your case.

Perry Rhew
Chief, Administrative Appeals Office

DISCUSSION: The application for temporary resident status pursuant to the terms of the settlement agreements reached in *Catholic Social Services, Inc., et al., v. Ridge, et al.*, CIV. NO. S-86-1343-LKK (E.D. Cal) January 23, 2004, and *Felicity Mary Newman, et al., v. United States Immigration and Citizenship Services, et al.*, CIV. NO. 87-4757-WDK (C.D. Cal) February 17, 2004 (CSS/Newman Settlement Agreements), was denied by the Director, Miami, Florida. The decision is now before the Administrative Appeals Office (AAO) on appeal. The appeal will be dismissed.

The director denied the application on March 1, 2008, because the applicant did not establish that he continuously resided in the United States for the duration of the requisite period.

On appeal, counsel for the applicant provides a brief statement asserting “the applicant is statutorily eligible for the relief being sought,” and an affidavit from the applicant stating he initially entered the United States in 1981 and that he previously made errors on documentation provided by him contained in the record.

As stated in 8 C.F.R. § 103.3(a)(3)(iv), any appeal that fails to state the reason for appeal, or is patently frivolous, will be summarily dismissed.

A review of the decision reveals that the director accurately set forth a legitimate basis for denial of the application. On appeal, the applicant has not presented any new additional evidence or new arguments to overcome the director’s decision. The appeal must therefore be summarily dismissed.

As always in these proceedings, the burden of proof rests solely with the applicant. Section 245a.2(d)(5) of the Act.

It is noted that an Immigration Judge in Los Angeles, California, ordered the applicant deported to Columbia on November 2, 1984. That order remains outstanding.

It is further noted that the record reflects the applicant was arrested on November 29, 1998, and charged with “DWI-Auto.” In any future proceedings before United States Citizenship and Immigration Services (USCIS), the applicant must submit evidence of the final court disposition of this and any other charges against him.

ORDER: The appeal is dismissed. This decision constitutes a final notice of ineligibility